

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates to:

1:14-cv-12941-RWZ: Brown v. Insight Health Corp., <i>et al.</i>)	MDL No. 1:13-md-2419-RWZ
1:14-cv-12978-RWZ: Bender v. Insight Health Corp., <i>et al.</i>)	
1:14-cv-13496-RWZ: Neal v. Insight Health Corp., <i>et al.</i>)	
1:14-cv-13507-RWZ: Buchanan v. Insight Health Corp., <i>et al.</i>)	
1:14-cv-13508-RWZ: Miller v. Insight Health Corp., <i>et al.</i>)	
1:14-cv-13509-RWZ: Andrews v. Insight Health Corp., <i>et al.</i>)	
1:14-cv-13510-RWZ: Bishop v. Insight Health Corp., <i>et al.</i>)	
1:14-cv-14542-RWZ: Gaskins v. Insight Health Corp., <i>et al.</i>)	

**INSIGHT HEALTH CORP.'S MOTION TO ENTER ORDERS APPROVING VIRGINIA
WRONGFUL DEATH SETTLEMENTS UNDER INDIVIDUAL DOCKET NUMBERS**

Defendant Insight Health Corp. ("Insight") respectfully moves this Court to enter each proposed Order Approving Compromise and Settlement of Virginia Wrongful Death Claim Pursuant to Va. Code § 8.01-55 in the above-listed Virginia Wrongful Death Actions in the individual cases under the above-listed docket numbers rather than on the main ECF/CM docket for MDL 2419. A proposed Order is attached hereto as Exhibit 1.

Insight states as follows in support of its Motion:

1. Plaintiffs in the above-listed Virginia wrongful death actions have filed petitions with the Court on the docket for MDL 2419 for approval of compromise settlement of their individual wrongful death claims pursuant to Va. Code § 8.01-55 to comply with Virginia's statutory requirement requiring court approval of wrongful death settlements. Plaintiffs also filed proposed Orders with these Petitions. *See* MDL 2419 Docs. 2020-1, 2021-1, 2035-1, 2026-1, 2027-1, 2025-1, 2024-1, and 2028-1 ("proposed Orders").

2. Insight notes that the filing of the petitions and proposed orders by the plaintiffs and the answers of the defendants on the docket for MDL 2419 is in compliance with the procedures for MDL 2419. However, given the requirement of Virginia law that all wrongful death claims must be approved by the Court, Insight submits that the more appropriate dockets for the filing of further pleadings and this Court's orders relating to approval of each settlement would be in the individual case files rather than the docket for MDL 2419.

3. The docket for MDL 2419 as of July 3, 2015, had over 2,040 pleadings and other docket entries on file. Filing further pleadings relating to the exclusively plaintiff-specific process of approving wrongful death claims in the docket for MDL 2419 would needlessly load pleadings unrelated to the ongoing litigation in MDL 2419 on the MDL docket. More importantly, it would result in the eight individual case files *not reflecting* the expected court approval of the settlement of these wrongful death cases. For example, in the *Bender* wrongful death action, the most recent entry on the docket for that individual case is September 2, 2014, and there is no reference on the docket to the pending settlement or the filing of a petition with the Court for approval of the settlement. *See Ex. 2, Bender v. Insight Health Corp., et al.* (1:14-cv-12978-RWZ).

4. For these reasons, Insight requests that the Court direct Insight's counsel to file copies of the petitions and answers in the respective individual case files. Insight further requests that the Court's prospective orders approving the settlements be captioned for and subsequently filed in each individual case file, rather than MDL 2419. Counsel for Insight has met and conferred in good faith with the other parties' counsel regarding this issue before filing this motion, but the parties were unable to reach agreement.

Date: July 6, 2015

Respectfully Submitted

By: /s/ Leo J.M. Boyd
Stephen D. Busch, Esq. (*pro hac vice*)
James F. Neale (*pro hac vice*)
Christopher E. Tribble, Esq. (*pro hac vice*)
Leo J.M. Boyd, Esq. (*pro hac vice*)
MCGUIREWOODS LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219-3916
T: (804) 775-1000
F: (804) 775-1061
sbusch@mcguirewoods.com
jneale@mcguirewoods.com
ctribble@mcguirewoods.com
lboyd@mcguirewoods.com

*Counsel for Defendants Insight Health
Corp., Insight Health Services Corp.,
and Insight Health Services Holdings*

CERTIFICATE OF SERVICE

I certify that, on July 6, 2015, this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Leo J.M. Boyd
Leo J.M. Boyd